

**Purpose:** FEC partners can use this document as a guideline for identifying environmental attributes and elements available for consideration as evaluation criteria during best value procurement analyses. Environmental considerations should become an integral aspect of normal purchasing practices. Consideration of environmental factors should be consistent with such traditional evaluation factors as technical approach, key personnel, technical capability, corporate experience, past performance, and price. Environmental criterion should not be used in lieu of traditional purchasing factors, but the criterion should be used in conjunction with those factors during the contract placement process.

During the procurement process, the acquisition office will perform several tasks before awarding a contract on a best value basis and administering the resulting contract. The following sections outline the normal procedures followed by a Contracting Officer during the contract placement and administration process. Environmental attributes and elements that can be taken into consideration during the source selection process, as well as ensuring compliance of the attributes proposed, is described in the following:

**Market Research: Gathering market information to include environmental aspects of electronics.**

As described in FAR Part 10, Market Research, agencies must gather and review all pertinent information regarding the agency's acquisition requirement to determine the best means for fulfilling those requirements. Agencies must identify the capabilities and methods commercially available in the marketplace prior to identifying potential sources that can meet their needs. During the market research process, the following FEC tools can facilitate information gathering:

[Product Environmental Information Sheet](#) (PEIS)

PEIS can be further amended to reflect product-specific environmental attributes for the following product categories:

[Computers](#)

[Copiers](#)

[Printers](#)

**Solicitation Development: Structure the RFP to include environmental factors.**

As stated in FAR Part 15, the evaluation criteria should identify all significant factors and sub-factors that will be considered in awarding the contract. The evaluation factors relative importance to one another must also be identified in the solicitation. In order to assist the acquisition team, the FEC is providing examples of Environmentally Preferable Purchasing (EPP) attributes that may be taken into consideration as environmental criterion during the acquisition process. Generally, federal solicitations for electronics, depending on the type of equipment, should include criteria that promote and reward the following:

T Reduced Toxic Constituents

T Designed for Recyclability

T Energy Conservation

T Packaging

T Take Back Options

T Increase the Recycled Content

T Reduced Material Use

T Extend Product Life

T Environmentally Sound Recycling

T Good Corporate Environmental Policy

Some of these attributes can be expressed as requirements on the manufacturers and/or vendors (e.g., product take back) or expressed as specific product requirements (e.g., computers that power down automatically). Here is [more detailed information](#) about each of these 10 environmental attributes.

In addition to these nine general environmental criteria, federal agencies should use product-specific criteria included in the following fact sheets during the source selection process.

[Computers](#)

[Copiers](#)

[Printers](#)

Lastly, federal agencies should refer to information provided by vendors in response to the Product Environmental Information Sheet.

### **Proposal Evaluation**

After the Program Office and Contracting Officer have agreed upon the environmental attributes to take into consideration for the source selection process, the contracting community is notified through the evaluation criterion described in the solicitation. After proposals are received, the evaluation team will typically make a best value decision based on all evaluation criterion delineated in the solicitation. As stated in FAR Part 15, the evaluation criteria should identify all significant factors and sub-factors that will be considered in awarding the contract. The evaluation factor's relative importance to one another must also be identified in the solicitation.

During the proposal evaluation, the Contracting Officer may be required to perform a cost/technical trade-off analysis, depending on the strengths and weaknesses identified in the proposals. During the evaluation, the environmental attributes identified in the criterion and proposed by an offeror should be used as justification for offsetting either a lower cost approach or an enhanced technical feature proposed by a competing firm. Environmental attributes that are available in the commercial marketplace and identified in the solicitation should be an important consideration in the best value source selection process. In order to justify a higher price during a best value source selection, the environmental attributes' relative importance should be clearly identified in the evaluation criteria.

### **Contract Award**

After the source selection decision has been made and the contractor receives the contract for the required product or service, the contract vehicle (whether a purchase order, delivery order, or contract) should include terms and conditions that ensure compliance with the requirements outlined in the evaluation criteria. Contract clauses will require the contractor to provide the environmental attributes and qualities that were proposed and evaluated during the source selection process. The following clauses is an example that can be used in a resulting contract:

## **Clause.XX - Certification of Environmentally Preferable Products**

(a) The contractor, by accepting this contract, agrees that the products and/or services to be provided in response to the solicitation meet the minimum environmental attributes delineated in the source selection evaluation criteria. If requested, the contractor shall provide all applicable documentation supporting compliance with Environmental Preferable Product (EPP) specifications required in the solicitation.

(b) In accordance with terms of the source selection criteria, the deliverables associated with this requirement must be in conformance with the attributes listed below for use in the performance of this contract

*Insert EPP attributes used during source selection phase.*

c) If required by the contracting officer, in order to ensure contractor compliance with the proposed EPP attributes, the contractor shall complete the following certification:

### **Certification**

I, \_\_\_\_\_ (name of certifier), am an officer or employee responsible for the performance of this contract and hereby certify that the deliverables associated with this contract meet the minimum Environmental Preferable Product (EPP) attributes outlined in the solicitation's specifications and our company's proposal.

\_\_\_\_\_  
[Signature of the Officer or Employee]

\_\_\_\_\_  
[Typed Name of the Officer or Employee]

\_\_\_\_\_  
[Title]

\_\_\_\_\_  
[Name of Company, Firm, or Organization]

\_\_\_\_\_  
[Date]

(End of certification)

(d) The Contracting Officer may terminate this contract or take other action as appropriate if the Contractor fails to comply accurately or provide adequate supporting documentation to substantiate compliance with the EPP attributes required in this contract.

### **Contract Administration/Contractor Oversight**

During contract administration, the Contracting Officer must ensure that the environmental attributes proposed by the selected contractor are actually included in the delivered product. If the requirement is for ongoing deliveries, the Contracting Officer and the Program Office must continue confirmation of the attributes that were accepted during the proposal evaluation phase and incorporated in the terms and conditions at contract award, as described above. Should there be a discrepancy between the product that was offered and the delivered product, the Contracting Officer can make a determination that the contractor is in breach of contract. If the contractor

has not delivered a product that incorporates the environmental attributes proposed, the CO may pursue the options described in FAR Part 49, Termination of Contract.

In summary, a product's environmental preferability is a function of multiple attributes from an overall life cycle perspective. The attributes described in this document are integral in determining environmental preferability. While purchasing decision criteria should be based on multiple environmental attributes, the purchasing decision may at times be based on a single attribute. However, the purpose of this Guideline is to provide agency procurement personnel with a tool to understand which environmental attributes of a product can be evaluated, and which attributes the program office should consider when fulfilling a requirement through the acquisition process. Comprehensive, accurate and meaningful information about the environmental performance of products is necessary in order to determine environmental preferability.

The Federal Electronics Challenge workgroup is providing this general guidance to assist agencies in the procurement of environmentally preferable electronics products. Should any further assistance be necessary regarding procurement issues, please contact Oliver Voss at 202-564-4514, or [voss.oliver@epa.gov](mailto:voss.oliver@epa.gov). Any questions regarding the Federal Electronics Challenge initiative can be directed to Christopher Kent at 202-564-8862, or [kent.christopher@epa.gov](mailto:kent.christopher@epa.gov).